

IN SENATE OF THE UNITED STATES.

JULY 30, 1842.
Ordered to be printed.

Mr. PHELPS submitted the following

REPORT:

The Committee on Revolutionary Claims, to whom was referred the memorial of the children and representatives of John Gunby, deceased, report as follows:

The memorialists represent that their ancestor, John Gunby, was an officer of the revolutionary army, and served during the whole war; that he received a warrant for 500 acres of land, in conformity with the resolution of Congress granting bounty land to the officers and soldiers of that army, which warrant he caused to be located upon lands in the county of Coshocton, in the State of Ohio; and "that, by long and tedious pursuit, and, also, after the expense of a lawsuit, they have at length had laid off to them, in the year 1839, about 340 acres of land of ordinary quality, which is chargeable with taxes to a large amount, accruing ever since the land was first located; and that the expenses altogether have greatly reduced, and rendered almost nugatory, the benefits which it was the intention of Congress to confer upon the donee and his representatives." The memorialists pray a further grant of land.

No papers or evidence of any kind accompany the memorial. But, assuming the facts as stated in the memorial, the committee discover no ground upon which a claim against the United States can be founded. The granting of the land warrant was a compliance on the part of the United States with the requirement of the resolution which originally promised the bounty, and a satisfaction of their indebtedness to the soldier. The location of that warrant was left to him, to be made in his own discretion, and at his own risk; and if, by the selection of any particular location, he is brought into conflict with opposing claims, it is one of those contingencies against which his own judgment and foresight should have guarded. The difficulties encountered in this case, whatever they were, do not appear to have arisen from any act of the United States inconsistent with the grant itself, but to have proceeded from the lawless acts of individuals, against whom redress was to be sought, as it was sought, before the ordinary judicial tribunals of the country. The recovery in this case settles the question that a title was acquired by the location, and that being done, the right was to be defended and sustained as all other rights are defended and sustained. The United States were clearly not responsible for any intrusion upon the land, nor can they be required to extend to the memorialists any other or further protection than is guarantied by the general laws of the land.

The committee therefore recommend that the prayer of the petition be rejected.

Thomas Allen, print.

